

**TOWN OF SKANEATELES
ZONING BOARD OF APPEALS
MEETING MINUTES OF
May 5, 2020**

Present:

Denise Rhoads
Jim Condon
David Palen
Kris Kiefer
Michael Ciaccio
Scott Molnar, Attorney
Karen Barkdull, P&Z Clerk
Kim Benda, ZBA Clerk

The meeting commenced at 7:00 p.m. at Town Hall. The next Zoning Board of Appeals meeting will be held on June 2, 2020 at 7:00 p.m. Previous distribution to the Board of the regular meeting minutes of April 14, 2020 was executed and all members present acknowledged receipt of those minutes.

WHEREFORE, a motion was made by Member Palen and seconded by Member Ciaccio to accept the April 14, 2020 minutes as submitted. The Board having been polled resulted in unanimous affirmation of said motion.

Record of Vote

Chair Denise Rhoads	Present [Yes]
Vice Chair Jim Condon	Present [Yes]
Member David Palen	Present [Yes]
Member Kris Kiefer	Present [Yes]
Member Michael Ciaccio	Present [Yes]

Member hours for the present Board members were requested and submitted for the month of April 2020 via email.

Continuation - Public Hearing

Applicant: Bruce & Patricia Texeira
2141 Terrace Ln
Skaneateles, NY
Tax Map #057.-03-02.0

Present: Bill Murphy, Architect
Bruce & Patti Texeira, Owners
(Kevin Texeira)

Chair Rhoads described the proposal is for the construction of a new deck and installation of a new shed on a preexisting nonconforming lot in the LWOD. The Board conducted a site visit of the property on Saturday, March 14th and the public hearing was opened during the April 14th Zoning Board of Appeals meeting. Chair Rhoads noted the design professional submitted new site plans with some design changes. Bill Murphy, Architect, explained the changes are due to the stormwater facility and bioswales proposed on the site. The variances requested for relief remain as applied for, the Applicant has discussed other possible variances they could request to get the greatest benefit from the deck installation possible. After review with the Planning Board, the Applicant does not feel there are any additional variances that will be

requested to the ZBA. Mr. Murphy reviewed the variances that have been applied for referring to the lot area, as well as the side/rear yard setback and the front yard setback for the shed. Mr. Murphy stated the Applicant is working toward a solution to comply with §148-12G. The new documents that were submitted to the Board take the PB comments into consideration moving the swales further away from Terrace Lane S., incorporating an underdrain and other details as discussed by the PB and Town Engineer. After consulting the DEC and Town of Skaneateles stormwater management guidelines the bioswale that is designed on the site now is equipped to handle ~21.5% of the ISC on a lot of 1.75 acres rather than the existing 0.375 acres. This would help create a district to mitigate stormwater in the neighborhood and this substantial proposal could offset the ISC on the lot. Town Planner Brodsky and Town Engineer Camp requested calculations during the PB meeting to see what would be required to accommodate the stormwater runoff on site, 10'x29' would be required where 10'x90' is proposed with the goal of offsetting the ISC on site.

Member Palen sought clarification on the area variances requested. Mr. Murphy clarified the lot size itself requires relief, side yard setbacks on both sides of the house, front yard setback for the shed so it is in line with the house. Clerk Barkdull corrected the Applicant is in compliance with the side and rear yard setbacks as only 10ft. is required. Therefore, the only setbacks required are for preexisting nonconforming lot size and front yard setback for the shed.

Counsel Molnar asked how §148-12G(6)(a) or (b) will be addressed. Mr. Murphy stated they are asking for leniency and requesting credit from the PB as submitted in the letter prior to the meeting this evening. Section 3.3 of the guidelines issued by the Town of Skaneateles in 2018 call out a long-term plan to “work towards establishing a program of more regional quality treatment facilities, these facilities could be supported by the establishment of drainage districts, moneys from the land and development right acquisition fund could be used to establish these facilities.” The short-term plan is to “include stormwater quality mitigation on individual lot development projects.” Mr. Murphy stated the Applicant is proposing the aforementioned stormwater facilities on the property, at a size where the facilities proposed are able to handle 3x more runoff than what is created by the property itself. Based on the size of the lot and the size of the stormwater mitigation, calculations decrease the site’s ISC from 21.7% to 4.6% as it is additionally handling runoff from neighboring properties. Mr. Murphy stated they are asking the Planning Board to consider this as an alternative way to decrease the ISC on the property alleviating the excess of what is allowed. Counsel Molnar stated the PB does not have the authority to waive a section of the law, rather there are two alternatives for redevelopment with §148-12G(6)(a) and (b). Mr. Murphy noted the Planning Board’s apprehension in granting relief in this area. Counsel Molnar stated that is correct for a couple of reasons. One being, the application is subject to small-scale stormwater treatment guidelines that are required for this project and others like it. The second reason being, the PB felt that this section was written specifically to permanently protect other land reducing density in the LWOD.

Counsel Molnar reviewed, at the last ZBA meeting the variances could be amended to permit the conservation easement for permanently protected land to be located on this site, additionally there would be a credit for the stormwater mitigation on site allowing a decrease in the required 10:1 ratio. Counsel stated that variance is still required in order to proceed because the PB is not permitted to grant relief in this situation. Mr. Murphy stated he understood what Counsel Molnar was explaining and he knows what the Applicant is proposing is not in the code today, however it is a long-term goal that the Town is working toward. Counsel Molnar assured the ZBA, PB, and Town Board did not question the rationale behind the proposal however the PB is not permitted to grant the relief that is sought with the code as it is today. Counsel advised the Applicant to continue with the additional variances for §148-12G(6)(a) being that the land is on site with a ratio that differs from the 10:1, as discussed during the April ZBA meeting with the ZBA then return to the PB. Mr. Murphy sent an email to amend the variance request prior to this meeting, seeking the additional relief for §148-12G(6)(a) after the April ZBA meeting.

Mr. Murphy inquired about the ZBA approving the additional variance that is being requested during this meeting. Clerk Benda stated that would not be possible as there was not a true confirmation from the Applicant that the additional variance was being pursued prior to the meeting with adequate time to place a public hearing notice. Counsel Molnar offered his observation, stating it would make the most sense to bring the new information back to the PB for review to see if they would accept this proposal for the permanent conservation easement to be located on site.

Chair Rhoads asked Counsel what would happen if the ZBA were to proceed approving the variances, including the additional variance that is awaiting publication, can the PB not approve the site plans. Counsel Molnar answered yes, they could review it and come to a different conclusion than the Applicant presents. Chair Rhoads asked what would set precedence if the ZBA grants approval, yet the PB is not in agreement, as this situation has not presented itself during her tenure. Counsel Molnar agreed with Chair Rhoads that it has not happened in his experience where the PB has rendered a decision differing from the ZBA, however it is a possibility.

Vice Chair Condon summarized the application reviewing; the Applicant is looking to build a deck and install a new shed on the property, take care of the water runoff on the property, and instead of paying into a fund the Applicant is proposing to use that money to protect the property, neighborhood, road, and lake. He sought advice from Counsel Molnar as to why the matter is so complicated. Counsel Molnar explained, the code as written does not permit this to occur on this lot as it is presented by the Applicant. Vice Chair Condon stated the ZBA always reviews each application individually based on the situation presented, granting a variance such as this would not necessarily be setting a precedence. Counsel Molnar responded granting area variances does arguably set a precedence as it sets a standard therefore you would not be able to deny a future variance based on similar facts without appropriate rationale. Counsel Molnar stated each application is different and the ZBA must make sure their findings reflect that. He then reviewed §148-12G(6)(a) and (b). Vice Chair Condon recollected working with the Town Board, they previously discussed people making repairs to their property rather than paying into the fund, it is his opinion this would be the perfect application for such a scenario. Chair Rhoads stated if the ZBA were to grant the variance regarding S148-12G(6)(a), it would follow logic the PB would then follow with the variances as granted. Counsel Molnar agreed that would be logical, as the property would then be deemed conforming and the proposal would be within conforming requirements.

Member Ciaccio commented the ZBA is not supposed to be changing the zoning code or making opinions about the interpretation of it, the ZBA is charged with reviewing the CEO's decision. By circumventing options A and B, the ZBA is extending itself beyond its authority. Mr. Murphy sought clarification on Member Ciaccio's comments. Counsel Molnar stated the variances requested are subject to the appropriate location determined by the PB, and the ZBA cannot remove the PB authority with their decision.

Vice Chair Condon inquired about a joint meeting with the PB to discuss the application. Counsel Molnar stated a dialog is better than not having one. He recommended the Applicant re-request the PB review this being the appropriate location, but it would save time, effort and efficiency by obtaining a variance that may never be implemented. Member Palen stated he felt the application was in need of further review by the PB then return to the ZBA.

Chair Rhoads stated the Board would not be able to move forward granting variances for this application this evening as it did not make sense to conduct two separate public hearings given the additional variance was not published. The Board and Counsel were in agreement. Mr. Murphy was in agreement as well, and stated he felt it would be beneficial to conduct a joint ZBA and PB meeting, but he would be patient and return in front of the ZBA at the next meeting. Counsel Molnar recommended the Board review all variances for approval during a single public hearing at next month's meeting after the

appropriate public hearing notices have been published regarding the location of permanent conservation easement and the 10:1 ratio.

WHEREFORE, a motion was made by Member Ciaccio and seconded by Vice Chair Condon to re-open the public hearing. The Board having been polled resulted in unanimous affirmation of said motion.

Chair Rhoads re-opened the public hearing, asking if there was anyone who would like to comment on the application.

Bob Eggleston, 3441 Rickard Road, stated he submitted a letter to the ZBA and PB after the last ZBA meeting. He stated his support for how the application has developed and matured, the solutions being proposed are excellent for a difficult situation. The Applicant is looking to install an 80sq.ft. shed and a couple hundred square foot deck, the cost of the project is minugia compared to the time, energy and cost of seeking approvals, as well as paying into the land acquisition fund. Mr. Eggleston noted he had previously commented on some technicalities of the application and Mr. Murphy has improved upon those. The proposal is to provide 300% of stormwater management, that is akin to paying into the fund and then receiving money from the fund to improve the stormwater conditions of the neighborhood. This should be considered a mitigating factor for §148-12G(6)(b) as they are going above and beyond to improve the water quality of the Terrace Lane area. Mr. Eggleston complimented the Texeira's on their efforts to improve the community and quality of the lake, sharing his full support in Mr. Murphy's work in order for the owners to gain a very minor benefit.

WHEREFORE, a motion was made by Vice Chair Condon and seconded by Member Palen to continue the public hearing on *Tuesday, June 2, 2020 at 7:02 pm*. The Board having been polled resulted in unanimous affirmation of said motion.

Public Hearing

Applicant: James & Kimberly Tracy
2833 Shamrock Rd
Skaneateles, NY
Tax Map #036.-02-02.0

Present: Bob Eggleston, Architect

Chair Rhoads described the proposal to construct a 70'x150' pole barn for storage of construction equipment. Bob Eggleston, Architect, stated Mr. Tracy has lived on the property for an extended period of time and has received a Special Permit to allow what started as a home occupation to develop into a commercial business. Currently the cumulative nonresidential building footprint on the property is 4,577sq.ft., where 6,000sq.ft. is allowed in the RF district. There is an outdoor parking area where construction equipment is located on the property, however Mr. Tracy would like to store the equipment inside to keep it out of the weather by placing it in a building much like the others that are on site, as well as other agrarian pole barn buildings in the RF district. The 70'x150' pole barn will be 10,500sq.ft. which is large enough to accommodate the equipment being stored outdoors currently, as well as some personal items such as snowmobiles, boats and trailers. Rather than the Applicant breaking out which part of the building will be utilized for business and which will be used for personal, the proposal is for the entire structure to be considered business use therefore if the need to accommodate more commercial equipment presents itself in the future there will not be a conflict.

The requested variance is for 15,077sq.ft. of cumulative nonresidential building footprint. Mr. Eggleston stated this application is similar that of Brillo Excavation, where one or two years ago they were granted a

variance to allow more than 6,000sq.ft. of cumulative nonresidential building footprint in the same neighborhood of the RF district. This property is a large lot that could support such a proposal without seeming too dense.

Mr. Eggleston provided an alternative solution which does meet the code however it would not meet the intent of the Comprehensive Plan. Mr. Tracy could subdivide the 15+acres, creating two additional 2 acre lots that would be conforming, each allowing for a 5,000sq.ft. building, however this would cover a great deal of farmland which he is looking to preserve. By granting the variance the Applicant will be able to consolidate the structure as one large building pushed off to the side with minimal impact on the farm field maintaining its integrity.

Chair Rhoads sought clarification on the size of the property. Mr. Eggleston answered the lot was recently expanded to 15.82 acres after the PB approved a lot line relocation acquiring an additional 3 acres. Chair Rhoads also inquired about the tractor trailers parked on the property, asking if they will fit inside the proposed building. Mr. Eggleston stated yes, that is part of the reason for the large size, and a tractor trailer of that size is required to transport the large equipment.

Member Palen stated he observed numerous structures on the site currently and it seems as though over time the Applicant continues to add more structures as his business has evolved. Member Palen shared concern over the location of the proposed pole barn and the proximity to the designated wetland, as he noticed the driveway seemed to be in a swampy area. Mr. Eggleston stated the official wetland area is delineated on the site plan and there are several factors that go into the designation of a wetland such as flora and fauna. He continued it has been a difficult spring for mowing the lawn, originally this area was the edge of the farm field and the field has slowly receded away from the wetland area. Member Ciaccio stated he was in agreement with Member Palen and observed that the stone driveway that will lead to the structure looks disturbingly close to the wetland. Member Ciaccio asked if it would be possible to move the barn further away from the wetland, it would be in keeping with the other developments on site that have a farther setback from the road. Mr. Eggleston stated there is a riding arena that was constructed on Coon Hill Rd., similar in size to the proposed structure with ~100ft. setback from the road therefore this is not completely out of character with what has been done in the neighborhood. One factor taken into consideration for the location and close road setback is the ease of backing the tractor trailer into the pole barn from Shamrock Rd. to drop off and pick up equipment.

Member Ciaccio asked if there were any letters of comment submitted by the neighbors. There were no letters on record. Mr. Eggleston stated the Applicant has discussed the project with the owners of the farmland on the one side and the Rogalia's on the other side of the property, neither one has any objections to the proposal. Member Ciaccio stated he would like to hear from some of the neighbors as this has been the fifth or sixth project for the Applicant over a period of years. Member Ciaccio respects that the Applicant is a successful businessman, however the operation that has developed on the site does not look like something that belongs on Shamrock Rd and comments from the neighbors would assist in the ability to render a decision.

Chair Rhoads asked if anyone would like the public hearing notice to be read. No one spoke. The Board conducted individual site visits. Chair Rhoads consulted Counsel Molnar about the type of action the application should be classified under SEQR review. Counsel Molnar stated this application does not fit comfortably in the DEC regulations to be classified as a Type II Action not subject to further review for the following reasons; this is not the construction/expansion of a primary or accessory pertinent nonresidential structure/facility involving less than 4,000sq.ft.; and granting of an area variance for a single-family, two-family or three-family residence. Although this is a single-family residence it possesses a Special Permit for commercial use. If the Board felt comfortable given the fact that this property has had at least three prior applications that were determined SEQR Type II Actions, not subject

to SEQR review, and has been thoroughly reviewed by the ZBA and PB, they could move forward as a Type II action. Counsel Molnar observed the Applicant submitted a Full Environmental Assessment form rather than the Short form. Mr. Eggleston explained that was done for PB purposes as this is a Major Special Permit. Counsel cautiously advised the ZBA classify the application as an Unlisted Action under SEQR subject to review by reviewing the SEAF.

WHEREFORE, a motion was made by Member Ciaccio and seconded by Member Kiefer, to review the application as an Unlisted Action under SEQR subject to review by reviewing the Short Environmental Assessment Form. The Board having been polled resulted in unanimous affirmance of said motion.

At this time Counsel Molnar reviewed the short form SEQR with the Board. In evaluating, each of the criteria set forth in Part II:

Part II	No or small impact	Moderate to Large impact
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulation?	X	
2. Will the proposed action result in a change in the use or intensity of use of land?		X Vote (3-2)
3. Will the proposed action impair the character or quality of the existing community?	X	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a CEA?	X	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	X	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	X	
7. Will the proposed action impact existing: a) public/private water supplies? b) public/ private wastewater treatment utilities?	X X	
8. Will the proposed action impair the character or quality of important historic, archeological, architectural or aesthetic resources?	X	
9. Will the proposed action result in an adverse change to natural resources (e.g. wetlands, water bodies, groundwater, air quality, flora and fauna)?	X Vote (4-1)	
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	X	
11. Will the proposed action create a hazard to environmental or human health?	X	

With a Moderate to Large Impact majority vote for question 2, Counsel Molnar reviewed Part III of the SEAF with the Board. Vice Chair Condon stated historically the location was farmland with wetlands/watercourses and now there will be large equipment running on diesel fuel parked nearby, however there is a bioswale there to mitigate. Chair Rhoads stated her impact vote was relative to the intensity of the proposal referring the increase in footprint, as it is a 30% increase. Member Palen was in agreement with Vice Chair Condon and shared concern for the integrity of nearby wetlands/watercourses

considering the equipment that could potentially leak waste, stating he felt this would be a moderate impact. Mr. Eggleston commented on the rationale of the Board, stating there will be no change of use as there is already a single-family dwelling, commercial use for the construction company, woodland, and farmland. There will be a slight shift in loss of farmland, which is being mitigated with the proposal of one large structure as opposed to multiple sprawled structures. This is not an office building that will be increasing the number of people in the area, the equipment is existing parked outside, and the Applicant would like indoor storage. Counsel Molnar stated the Board clearly made their determination; this is a Moderate to Large Impact. The Board felt as though Mr. Eggleston addressed measures/design elements to mitigate/avoid the impacts of the proposal in a satisfactory way. Counsel Molnar stated he will summarize the findings of the SEQR review conducted by the Board to be filed on record. Counsel recommended the Board check the option “Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts”, when completing the SEAF for SEQR review.

WHEREFORE, a motion was made by Vice Chair Condon and seconded by Member Ciaccio, the Board declared this application to be an Unlisted Action, and after review of the SEQR short environmental assessment form determined that the proposed action will not result in any significant adverse environmental impacts. The Board having been polled resulted in the unanimous affirmation of said motion.

At this time Chair Rhoads opened the public hearing, asking if anyone would like to speak in favor or opposition of the application, or if they had any comments.

Mr. Eggleston stated Sig Rogalia, 2930 Shamrock Rd, owns the property north adjacent to the Applicant. Mr. Rogalia had difficulty accessing the Zoom meeting but was able to contact Mr. Eggleston via phone call. Mr. Rogalia was placed on “speaker phone” and stated he owned a number of properties along Shamrock Rd. extending to Coon Hill Rd, knowing the quality of work Mr. Tracy produces Mr. Rogalia has no objection to the proposed pole barn. When comparing this structure to some of the dairy farm buildings in the area the proposed barn could be considered small, so it shouldn’t stand out as a huge building in the neighborhood.

WHEREFORE, a motion was made by Member Palen and seconded by Vice Chair Condon to close the public hearing. The Board having been polled resulted in unanimous affirmance of said motion.

Mr. Eggleston informed the Board that the Applicant had sent him a text message during the public hearing and was in agreement with the possibility of moving the pole barn further from the road to have a 120ft. setback.

At this time the Board reviewed the Five Criteria for the area variance concerning the applicable section of Town Zoning Code; Section 148-9E Dimensional Table II, as the proposal is for the expansion of cumulative non-residential building footprint in the RF district. Counsel Molnar stated when considering the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community, the Zoning Board of Appeals is charged with answering these five questions:

- 1. Whether an undesirable change would be produced in character of neighborhood or a detriment to nearby properties:** No. There will not be an undesirable change produced in the character of the neighborhood nor will there be a detriment to the nearby properties. The neighborhood consists of various sized homes on large and small lots, with farms and homes separated by a good distance of fields in between the properties. Neighboring farmers in the area

have barns located in closer proximity to the road than the proposed 100' setback. Traffic is very low volume on Shamrock Road. Additionally, construction of storage for the large equipment will allow for a more organized appearance of the property.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: No. There are alternative options available to the Applicant, as described by the Architect, the subdivision of the property into three lots total, with the two additional conforming lots each allowing for a 5,000sq.ft. pole barn in compliance with code. However, the alternative is not a feasible option as it is not cost effective and it would break up the surrounding useable farmland. Constructing a single large pole barn close to the existing buildings on the property is more efficient allowing for more open farmland maintaining the character of the country setting. The single pole barn also allows the open farmland to continue being utilized for agricultural purposes. ZBA Members suggest any future improvements the ZBA reviews on the property, if any, also contemplate the decision rendered regarding this application prior to a determination.

3. Whether the requested variance is substantial: Yes by a majority vote. The requested variance is substantial as the addition of the 10,500sq.ft. structure increases the cumulative non-residential building footprint to 15,077sq.ft., 30% greater than the 6,000sq.ft. allowed in the RF district. However, given the location of the property the 10,500sq.ft. structure will not be overwhelming for the area and this should not have any negative effects on the variance decision. The proposed structure will not be out of place with the nearby properties in the neighborhood.

RECORD OF VOTE

MEMBER NAME	YES	NO
Chair DENISE RHOADS	—	—
Vice Chair JIM CONDON	—	—
Member MICHAEL CIACCIO	—	—
Member KRIS KIEFER	—	—
Member DAVE PALEN	—	—

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood or district: No. There will not be an adverse impact on the physical or environmental conditions in the neighborhood or district. The proposed ISC is 9.7% where 10% is allowed. The structure is located 122' from the designated Federal Wetland, with proposed bioswales to improve the property post construction. There is concern regarding the proximity of the wetland to the construction site, however, the construction sequence describes mitigation and protection of the wetland during construction, including the bioswale improvements to the property prior to the construction of the structure.

5. Whether the alleged difficulty was self-created: Yes.

WHEREAS, in review of the above findings of the Zoning Board of Appeals, the benefit to the applicant, as weighed against the detriment to the health, safety and welfare of the neighborhood, or community, lies in favor of the applicant. Based on the Board members' site visits and discussions before the Board at the public hearing the benefit to the applicant outweighs the detriment to the community and will not have

significant adverse impacts on the character of the neighborhood or the physical or environmental conditions of the property.

WHEREFORE a motion was made by Vice Chair Condon and seconded by Member Ciaccio, that this application be **APPROVED** with standard conditions and additional special conditions:

STANDARD CONDITIONS:

1. That the Applicant obtain any necessary permit(s) from the Codes Enforcement Officer or otherwise commence the use within one (1) year from the filing of the variance decision. Any application for zoning/building permit(s) shall terminate and become void if the project is not completed within the eighteen (18) months from the issuance of the permit(s).
2. That the Applicant shall obtain all necessary permits and approvals from any agency or authority having jurisdiction over the Property or Application; and
3. That the Applicant obtain a Certificate of Occupancy and/or Certificate of Compliance, as required, from the Codes Enforcement Officer.
4. That the Applicant notify the Codes Enforcement Officer on completion of the footing of any project for which a variance has been obtained.
5. That the Applicant provide an as-built survey to the Codes Enforcement Officer with verification of conformance of completed project within (60) days of completion of the project before a certificate of occupancy /certificate of compliance is issued.

ADDITIONAL CONDITIONS: The ZBA finds that the following additional conditions are necessary in order to minimize adverse impacts upon the neighborhood or community:

1. That the Site Plan prepared by Robert O. Eggleston, Licensed Architect, dated February 19, 2020, and Narrative dated, February 21, 2020, submitted by the Applicant be approved by the Town of Skaneateles Planning Board, with respect to the application for Major Special Permit, and said Site Plan be strictly followed.
2. The Applicant will protect the existing berms on the property during and after construction.
3. The Applicant will mitigate against and protect any mud and dirt runoff from entering Shamrock Road.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSENT
Chair DENISE RHOADS	—	—	—
Vice Chair JIM CONDON	—	—	—
Member MICHAEL CIACCIO	—	—	—
Member KRIS KIEFER	—	—	—
Member DAVE PALEN	—	—	—

Mr. Eggleston noted he received a phone call after the public hearing was closed from neighbor Gerry Vile, 2818 Shamrock Rd. Mr. Vile stated he had difficulty accessing the ZBA Zoom meeting, however wished to comment that he was in favor of the project.

Public Hearing

Applicant: Jeremy Kimball
 1351 Cherry Valley Tpke
 Skaneateles, NY
Tax Map #032.-03-30.1/1

Present: Bob Eggleston, Architect

Chair Rhoads introduced the proposal for the construction of a two-story 2,571sq.ft. garage addition to an existing single-family dwelling. There will be a garage area on the first floor with the second floor consisting of a master bedroom suite. Bob Eggleston, Architect, explained the property is a mixed-use property that has been granted Special Use Permits, consisting of storage units (both indoor and outdoor), a dance studio, office space, and the residence. The residence has existed on the property for 100+ years with various owners, at one point there was a hotel on site with the residence. Throughout the various phases of the property the residence has been owner occupied overseeing the existing businesses. This is currently the situation as Mr. Kimball operates the storage unit business and his wife conducts business out of the office space in the adjacent commercial building. Mr. Eggleston stated the existing ~1,300sq.ft. dwelling is small for a family of six.

Mr. Eggleston stated currently under the zoning code single-family dwellings are considered nonconforming in the HC district, allowing for 500sq.ft. expansion whereas the proposal is for a more than 2,500sq.ft. expansion. The expansion will allow for a garage, car port and living space in the form of a master suite above the garage area, as well as a larger mudroom, laundry room, and kitchen area on the first floor. The proposal is not out of character with the size home required for a large family. Mr. Eggleston noted the Comprehensive Plan discusses the inclusion of more residential uses in the HC district, therefore it would not be inconsistent with the Comprehensive Plan to allow the expansion of the single-family home. The Planning Board will review the application for a Revised Special Permit.

Vice Chair Condon asked what the acreage for the lot was. Mr. Eggleston answered 13.48acres. Vice Chair Condon then inquired about the proposed 29.9% ISC. Mr. Eggleston explained in the HC district 30% ISC is allowed, noting when Pat Bombard redeveloped the property he included stormwater facilities to treat the water flowing onto the property in the form of a large pond on the back of the property, as well as mitigation for the 30% ISC with another pond on the front of the property that was completed by Mr. Kimball. Vice Chair Condon asked if there was anything on the property that could be reduced to keep the ISC the same rather than increasing it by 0.02%. Mr. Eggleston stated the Applicant could potentially remove some of the gravel parking area toward the rear of the storage unit area, however the stormwater facilities are designed for 30% ISC. Vice Chair Condon stated the Applicant can keep the plans as proposed.

Vice Chair Condon inquired about the existing number of bedrooms as there are 4 bedrooms proposed. Mr. Eggleston stated there are currently 3 bedrooms, with a 4th being proposed. There is a new septic system being designed for the dwelling, after the application for the variance was submitted the Applicant found the existing septic system to be inadequate. The new septic system has a proposed location between the dwelling and the road, this is currently under review by the OCHD. The commercial use on the property utilizes a separate septic system. Vice Chair Condon shared his concern with protecting the septic in the existing area during construction if it were to remain, as there is a new one proposed he requested that be included when obtaining a building permit with the CEO. Mr. Eggleston agreed.

Member Ciaccio asked why the answer to question 12b on the SEAF was “Yes”. Mr. Eggleston explained most of the Village of Skaneateles is considered a historic sensitive area which is close in proximity to the property, however this property specifically is not registered as historical. Originally there was a hotel on the property that has since been demolished. Member Ciaccio asked what year. Mr. Eggleston answered demolition occurred in the 1990’s. Mr. Eggleston continued explaining his answer to question 12a on the SEAF as “No” since the site itself is not Historical, yet his answer to 12b was “Yes” as the property is 300ft. from the Village of Skaneateles and much of the Village is deemed historically sensitive.

Member Ciaccio requested the elevation to view what the dwelling will look like at completion. Mr. Eggleston stated an elevation was provided for the Board and reviewed the submission at this time. The goal is to have a carriage house appearance and the addition will be larger than the existing dwelling. The Comprehensive Plan encourages two-story buildings in the HC district, the proposal is in compliance with this vision.

Chair Rhoads asked if there was anyone who would like to have the public hearing notice read. No one spoke. Board members conducted individual site visits of the property.

WHEREFORE, a motion was made by Member Ciaccio and seconded by Vice Chair Condon to consider the proposed action as a Type II SEQR action as per section 617.5(c)(12) and not subject to SEQR review. The Board having been polled resulted in the unanimous affirmance of said motion.

At this time, Chair Rhoads opened the public hearing asking if there was anyone who would like to speak in favor, opposition or have any comments regarding the application. No one spoke.

WHEREFORE, a motion was made by Member Ciaccio and seconded by Vice Chair Condon to close the public hearing. The Board having been polled resulted in unanimous affirmance of said motion.

At this time the Board reviewed the Five Criteria for the area variance concerning the applicable section of Town Zoning Code; Section 148-12C(4) Existing nonconforming structure alteration and restoration, as the proposal is for the expansion of a single-family dwelling in the HC district. Counsel Molnar stated when considering the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community, the Zoning Board of Appeals is charged with answering these five questions:

1. **Whether an undesirable change would be produced in character of neighborhood or a detriment to nearby properties:** No. There will not be an undesirable change produced in the character of the neighborhood nor will there be a detriment to any of the nearby properties. The dwelling is located on a mixed-use lot that is not out of character with the other lots in the neighborhood, additionally the use of the lot will not change. The construction of the proposed addition will occur at the rear of the dwelling and the residential driveway will be placed in alignment with the newly constructed garage and carport.
2. **Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:** No. The 500sq.ft. restriction is very limited, and the application of the Code Section 148-12(C)4 was not intended to limit a situation such as this.
3. **Whether the requested variance is substantial:**

RECORD OF VOTE

MEMBER NAME	YES	NO
Chair DENISE RHOADS	==	==
Vice Chair JIM CONDON	==	==
Member MICHAEL CIACCIO	==	==
Member KRIS KIEFER	==	==
Member DAVE PALEN	==	==

Reasons: No by majority vote. Given the size of the 2,571sq.ft. addition the variance could be considered substantial as only 500sq.ft. are allowed. Reviewing the size of the project alone it may seem substantial, however considering all details of the project it is not a substantial request.

- 4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood or district:** No. There will not be an adverse impact on the physical or environmental conditions in the neighborhood or district. The property is located in the Lake Watershed Overlay District, however there will be minimal disturbance, as the Environmental Assessment Form, dated March 26, 2020, states there will be less than 0.4acres of land disturbance and the stormwater runoff will be directed toward existing bioswales and detention basins on the property during construction. Given the on-site stormwater management system continues to be maintained there should not be any negative environmental impacts regarding stormwater runoff. Proposed ISC is 29.9% where 30% is allowed in the HC district. A newly designed 4-bedroom septic system is pending approval by Onondaga County Health Department and will be included in the Permit once it is approved. Due to the location of the driveway protection for the septic system will be required during construction. The proposed construction will result in a positive impact on the physical conditions of the neighborhood.

- 5. Whether the alleged difficulty was self-created:** Yes.

WHEREAS, in review of the above findings of the Zoning Board of Appeals, the benefit to the applicant, as weighed against the detriment to the health, safety and welfare of the neighborhood, or community, lies in favor of the applicant. Based on the Board members’ site visits and discussions before the Board at the public hearing the benefit to the applicant outweighs the detriment to the community and will not have significant adverse impacts on the character of the neighborhood or the physical or environmental conditions of the property.

WHEREFORE a motion was made by Member Ciaccio and seconded by Member Kiefer, that this application be **APPROVED** with standard conditions and additional special conditions:

STANDARD CONDITIONS:

1. That the Applicant obtain any necessary permit(s) from the Codes Enforcement Officer or otherwise commence the use within one (1) year from the filing of the variance decision. Any application for zoning/building permit(s) shall terminate and become void if the project is not completed within the eighteen (18) months from the issuance of the permit(s).

2. That the Applicant shall obtain all necessary permits and approvals from any agency or authority having jurisdiction over the Property or Application; and

3. That the Applicant obtain a Certificate of Occupancy and/or Certificate of Compliance, as required, from the Codes Enforcement Officer.
4. That the Applicant notify the Codes Enforcement Officer on completion of the footing of any project for which a variance has been obtained.
5. That the Applicant provide an as-built survey to the Codes Enforcement Officer with verification of conformance of completed project within (60) days of completion of the project before a certificate of occupancy /certificate of compliance is issued.

ADDITIONAL CONDITIONS: The ZBA finds that the following additional conditions are necessary in order to minimize adverse impacts upon the neighborhood or community:

1. That the Site Plan prepared by Robert O. Eggleston, Licensed Architect, dated March 27, 2020, and Narrative dated, March 26, 2020, submitted by the Applicant be used approved by the Town of Skaneateles Planning Board, with respect to the application for Site Plan Review, and strictly followed.
2. The Applicant provide a foundation survey to the Codes Enforcement Officer upon completion of the footing for the expansion/addition to the dwelling; and
3. A physical barrier will be placed to protect the septic system during construction.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	ABSENT
Chair DENISE RHOADS	—	—	—
Vice Chair JIM CONDON	—	—	—
Member MICHAEL CIACCIO	—	—	—
Member KRIS KIEFER	—	—	—
Member DAVE PALEN	—	—	—

Other Board Business

Chair Rhoads thanked the Board and administrative staff for their hard work during this transitional time. Member Palen requested paper documents to review applications and the Board was in agreement. Clerk Benda agreed to supply paper packets for the Board going forward.

Clerk Barkdull informed the Board the Zoom meeting format will be utilized to conduct public meetings for the foreseeable future. Mr. Eggleston complimented the Town of Skaneateles for having the smoothest run alternative public meetings with the various Boards he has participated in, as well as compliments to Janet Aaron, Town Supervisor for keeping the Town viable and running during these unprecedented times.

There being no further Board business, a motion was made by Vice Chair Condon and seconded by Member Ciaccio to adjourn the meeting. The Zoning Board of Appeals meeting adjourned at 9:03 pm.

Respectfully Submitted,
Kim Benda